

COPY

**IN THE CIRCUIT COURT OF THE TWELFTH JUDICIAL CIRCUIT
IN AND FOR SARASOTA COUNTY, FLORIDA**

WELLS FARGO BANK, N.A., as Trustee for
Option One Mortgage Loan Trust 2006-1
Asset-Backed Certificates, Series 2006-1,

Plaintiff,

vs.

Case No. 2008 CA 015358 NC
DIVISION "C"
Judge Charles E. Roberts

MICHAEL A. MOORE and HEIDI L. MOORE,
Husband and Wife; WELLINGTON CHASE
HOME OWNERS ASSOCIATION, INC.;
PALMER RANCH MASTER PROPERTY
OWNERS ASSOCIATION, INC.; STATE OF
FLORIDA DEPARTMENT OF REVENUE,

Defendant(s).

ORDER

THIS CAUSE having come before the Court on:

- (a) Defendant, **HEIDI L. MOORE'S**, Verified Affidavit And Motion To Stop Foreclosure Sale And Motion To Vacate Foreclosure Judgment For Fraud And Misrepresentation On The Court And Order Setting Foreclosure Sale Scheduled For March 8, 2010 And Motion To Dismiss Complaint; and
- (b) Defendant, **HEIDI L. MOORE'S**, Notice Of Filing Supplemental Authority And Argument, and

the Court having reviewed the pleadings filed in this action, hearing argument of counsel at the emergency hearing scheduled Friday, February 26, 2010 at 11:00 a.m., and being sufficiently advised, it is therefore,


ORDERED AND ADJUDGED as follows:

- 1. Plaintiff failed to attach documentation showing it had the right to proceed with this action against the Defendant, **HEIDI L. MOORE**, as required by Florida Rule of Civil Procedure 1.130(b).

2. Plaintiff failed to show that the Plaintiff had standing to foreclose the note and mortgage.
3. Plaintiff failed to establish ^{lack of} any genuine issue of material fact.
4. Plaintiff failed to prove it was the holder of the note and mortgage by attaching to its Complaint an exhibit naming an entity different than that of Plaintiff as the holder of the note and mortgage.
5. Plaintiff failed to attach proper exhibit documentation to coincide with Plaintiff's allegations.
6. Plaintiff failed to show it had standing to foreclose the mortgage and did not establish its entitlement to foreclose the mortgage as a matter of law.
7. Plaintiff failed to prove through admissible evidence that it validly held the note and mortgage it sought to foreclose.
8. The foreclosure sale set for **March 8, 2010** is hereby cancelled.
9. The Final Summary Judgment of Foreclosure is vacated, null and void.
10. ~~The Plaintiff's Complaint is dismissed and Plaintiff shall take nothing from this action.~~ *CR*

DONE AND ORDERED in Chambers at Lynn N. Silvertooth Judicial Center, Sarasota, Florida,

this 26 day of February, 2010.



Honorable Charles E. Roberts
Circuit Court Judge

Copies furnished to:
Kimberly Anne Humphrey, Esquire
Michael J. Belle, Esquire
Scott K. Petersen, Esquire